

## **AGRICULTURAL LAND PRESERVATION COMMISSION**

### **MINUTES OF THE NOVEMBER 10, 2005 MEETING**

**COMMISSION MEMBERS PRESENT:** Jim Opaluch, Everett Stuart, Kevin Nelson, Bob Sutton, Judy Bailey, George Mason, Dave Wallace

**COMMISSION MEMBERS ABSENT:** Jason Pezzullo

**STAFF PRESENT:** Ken Ayars, DEM/Agriculture  
Lis Peterman, DEM/Agriculture  
Vicky Drew, USDA/NRCS

**GUESTS:** Freddie Bettinger, South County Conservancy  
Richard Clark, Clark Farm, So. Kingstown

The meeting began at 5:10 pm at the USDA, 60 Quaker Lane, Warwick.

Kevin Nelson made a motion, seconded by George Mason, to approve the minutes of the September 9, 2005 meeting. The motion was approved unanimously.

Rich Clark, Clark Farm, So. Kingstown discussed a proposal and tentative agreement with Harold Browning to purchase in fee a portion of the Browning Farm, So. Kingstown for development and usage by Clark into a retail farm stand. The development rights to the Browning farm were purchased by the Commission in 1993, and the portion of the farm Clark is interested in purchasing has frontage along Route 1, and is not currently used to support Browning's ongoing dairy operation. The Commission discussed and asked Rich Clark to submit a more detailed proposal, to be reviewed by Mary Kay prior to the next meeting.

The Commission reviewed a proposal for a floating house lot at one of the two Keah (Wallace) properties for which the South Kingstown Land Trust and Commission are in negotiation for development rights (Dave Wallace recused himself and left the room). The floating house lot is proposed for the Keah property immediately south of Rt. 138, and east of Route 2. The Commission and Land Trust previously approved a non-floating house lot at this location. The Keah properties are both in purchase and sale agreement with the South Kingstown Land Trust, and the Commission has committed \$412,500 toward the purchase. After discussion, Bob Sutton made a motion, seconded by Jim Opaluch that the applicant in this matter is the South Kingstown Land Trust, and the Commission can only legally respond to their request for a floating house lot. The motion passed unanimously. Ken Ayars will convey to the Land Trust and ask that they submit a written proposal and appear at the next meeting. A closing is scheduled for the first week in January, 2006, therefore the Commission agreed to meet before the next regularly schedule meeting if necessary to discuss and vote.

Dave Wallace returned to the meeting.

Freddie Bettinger, South County Conservancy provided an update on the Fenner and Ricci farms, Charlestown. Fenner was previously scored in 2004 and not accepted by the Commission for development rights, and the Commission agreed to re-evaluate the farm and re-score. The Ricci farm abuts Fenner and will donate development rights if they are purchased for Fenner. The farms are in purchase and sale agreement with the South County Conservancy for a total together of \$657, 500, and The Town of Charlestown has committed \$400,000 toward the project. The Nature Conservancy also appears likely to commit funds.

Bob Sutton made a motion, seconded by Kevin Nelson to re-score the Fenner farm together with Ricci as one project. The motion passed unanimously. Fenner/Ricci were scored by the Commission and achieved a primary score of 18.14, and secondary score of 6.56, for a total of 24.70. Bob Sutton made a motion, seconded by Kevin Nelson, to accept the Fenner/Ricci farms into the program. The motion passed unanimously. Bob Sutton made a motion seconded by Kevin Nelson, to ask Lisa Primiano, DEM to negotiate with the Nature Conservancy and split the remaining balance of \$257,500 (the Commission's contribution therefore being \$128,750). The motion passed unanimously.

The Sinkler Farm (Belvidere Stables), Charlestown was scored by the Commission and received a primary score of 22.71 and secondary score of 8.22 for a total of 30.93. Kevin Nelson made a motion, seconded by Jim Opaluch to accept the Sinkler farm into the program. The motion passed unanimously.

Vicky Drew discussed the status of existing Federal Farmland Protection Program Cooperative Agreements with the Commission, and reminded the Commission that agreements for the Salisbury, Treaty Rock and Kaiser Farms will expire at the end of September, 2006.

Ken Ayars and Bob Sutton updated the Commission on the status of farms in negotiation with the Commission.

Judy Bailey announced she plans to submit her resignation by the end of the year. She has served many years with enjoyment, though feels is time to move on to other plans and activities. It is her desire to see that a farmer replaces her on the Commission.

The meeting adjourned at 7:35 pm.

Respectfully Submitted,

Kenneth D. Ayars, Chief  
Division of Agriculture, RIDEM

The Commission discussed farms in negotiation:

Schartner (Bald Hill Nursery), Exeter/N. Kingstown – Schartner has purchased the Bald Hill property in fee, and the Commission has made an offer for the sale of development rights to the farm of 3.1 million, pending receipt of funding.

Green, N. Smithfield – Offer made and Purchase and sale agreement forwarded to representatives of estate.

Lebreaux, Tiverton – Appraisal received, offer for development rights to farm in amount of \$1,000,000 made to Lebreaux.

Richmond, L. Compton – Continuing discussions with family regarding conservation plan and subdivision of property.

Manfredi, Westerly – FRPP grant toward Manfredi farm moved to the Knight Farm, Scituate. No longer negotiating with family for development rights.

Escobar, Portsmouth - Proceeding toward closing by end of September, survey and final deed language being finalized.

Salisbury, Scituate – Appraisal being updated to include an additional 21 acres of woodland, per request of Salisbury.

Knight, Scituate - Proceeding toward closing by end of September, deed language being finalized, survey underway. Town meeting scheduled with respect to requested contribution of \$250,000 by the Town of Scituate.

Panciera, Hopkinton – Closed

Tuckahoe Turf, Richmond – Discussions continue toward resolving issues related to proposed public water supply wells on the property, and agreement is reached that the Water Resources Board will own in fee the acreage immediately around the proposed wells.

J. Peckham, Tiverton – Offer letter sent to Pete Peckham, no formal response as of yet. Pete Peckham to meet in the near future with tax attorney via arrangement by DEM and the Nature Conservancy.

Wallace, So. Kingstown – Commission increased its offer on a matching basis with the Town of South Kingstown to reflect the higher appraisal value.

Smith, Gloucester – appraisal to be amended to include additional 4 acres.

Ceppi, Neale and Dutra Farms, Jamestown – A meeting was recently held with DEM and representatives of the Town of Jamestown and Land Trust to discuss the negotiating committee and strategy, appraisals etc. Formal negotiations will commence upon receipt of the final appraisals.

L. Peckham, Tiverton – Undergoing Appraisal

Hibbad, Tiverton – Undergoing Appraisal.

Pandolfi, No. Smithfield – Appraisal recently received, undergoing review by DEM.

Jaswell, No. Smithfield – Undergoing appraisal.

Smith, Tiverton – Eric and Catherine Watne have purchased the Smith farm in fee, and the offer still stands for the sale of development rights by the by the Tiverton Land Trust and Commission for \$100,000 (Tiverton Land Trust and Commission each contributing \$50,000).

Bove, North Kingstown – Proceeding toward closing by the end of September, 2005.

Ken Ayars and Bob Sutton reported on 12 million dollars in the federal transportation bill to Rhode Island, which through the efforts of Senator Chaffee are designated toward open space protection particularly within the area of the Queens River Watershed. This can include farmland, and the Senator has requested via a letter to the Governor that the funds be administered through DEM. DEM and DOT are in discussion in this regard.

Ken Ayars reported the public hearing on the revised Commission rules is tentatively scheduled for October 13<sup>th</sup>, 2005. Bob Sutton made a motion, seconded by Judy Bailey, that the hearing be at 4pm at USDA, 60 Quaker Lane, on that date. The motion passed unanimously.

The Commission then toured several farms in Tiverton and Little Compton, and the meeting adjourned at approximately 6pm.

Respectfully Submitted,

Kenneth D. Ayars, Chief  
Division of Agriculture, RIDEM